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No. 05-886

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

In Re: Ralph Urban,

Debtor-Appellant,

RALPH URBAN,

Grantor/Appellant

v.

LINDA HAAG; GERALD TUTTLE; WILLIAM
HURLEY, *Grantee/Appellees.*

COUNTY OF YATES, *movant.*

State of New York, *noticed state law is chal.*

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the
2nd Circuit

REPLY BRIEF IN SUPPORT OF
PETITION FOR WRIT OF CERTIORARI

Ralph Urban, *Petitioner*
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Introductory Statement:

A few of days ago, Petitioner/Urban received a typewritten Opposition from Hurley (consisting of irrelevant and vicious Smears:)

Hurley didn't challenge specific factual or legal issues Presented; But **he** did engage in such Hateful & Prejudicial attacks on Urban's veracity and decency – therefore, a Reply is appropriate: (limited to five -5- points)

POINT # 1. INSUFFICIENCY OF SERVICE:

Petitioner/Urban was served at the wrong address, and NOT at Officially designated PO Box 1010, NYC 10276. Also, Gerald Tuttle was "served" at the wrong address. Also, the County of Yates which is Not a "party" is not entitled to service, but Hurley served them anyway.

Thus this issue alone, is sufficient to strike and disregard Hurley's opposition.

POINT # 2: HURLEY'S CLAIM HE IS THE VICTIM:

Hurley's laughable claim he is the "victim" in this controversy, is Topped Only by Saddam Hussein's (monkey see monkey do) claim that he too is a "victim."

After all, in 1988, Hurley identified himself as a "Political Power Broker;" who had a "seat" at a local "Judicial Screening Committee," the kind Brooklyn Federal Judge Gleeson struck down as Unconstitutional. See Supp Brief.

Hurley (full of himself and of arrogance) Gloated that NO LAWYER who was "squeaky clean" had any chance of getting a Judgeship in the Western District of New York. He identified the "job" of the screening committees, as one of screening OUT (Not In) anyone who was Honest and Qualified, and screening IN (not out) those who cared only about their own promotion and played Politics. And who had a history of criminality or impropriety, on the theory an honest man CANNOT be trusted as a Judge, when a "politically sensitive" case happens along.

POINT #3: TWO PREVIOUS PETITIONS:

Hurley mis-represented the index numbers and intent of two previous cert petitions to this Court:

- (a) The correct index numbers are: # **01-0129**, and #04-655.
- (b) And NO, the Petitions were NOT filed to annoy Hurley:

Petition # 01-0129, challenged the 2nd Circuit **Refusal** to Review a Prejudicial Venue Transfer of the Adversarial Complaint (only) to Western District/NY, for the purpose of a "trial" while Venue was proper in Southern District/NY. To re-try two (2) pre-bankruptcy state court final Judgments which is barred by settled law (*Res Judicata*.)

Also, Urban challenged failure of Fed Courts below to enforce the Stay – 11 US 372 (h), Question Presented #5 & 7

Petition # 04-655, challenged the 2nd Circuit REFUSAL to Review Southern District bankruptcy Judge Beatty's Prejudicial sua sponte dismissal of Urban's Chapter 11, Main case (# 91-B-15142,) after Judge Beatty Refused to Ratify a **Pre-Approved Plan**; on the grounds Judge Ninfo (in 2002) "took away" Urban's Driveway (Right of Way) by "Voiding"

Urban's pre-bankruptcy (1988) "buy-back" of his two (2) acre horse barn & driveway on the grounds Jude Ninfo did not like the recording instrument as to FORM. Ignoring **Settled Law** that a "defect as to Form" in a recording Instrument does NOT "disqualify" a sale; Especially NOT, after the land possession Ripens into title.

Also Urban challenged Prejudicial "acquisition" of Haag's Refund Judgment lien as a violation of Stay, 11 US 362(a), Questions Presented # 1, 2 and 3.

POINT # 4: HURLEY'S HATEFUL CLAIM URBAN IS A "CON MAN:"

In the summer of 1991, while Urban was prepping his race horses in Delaware (note that last years Kentucky Derby winner was prepped in Delaware Park;) Hurley was doing some running of his own, telling everyone Urban was a "Dangerous & Violent" individual who had threatened to "kill" a Federal Judge in Rochester, and FBI had it on file.

Urban hired an Attorney in Delaware to call the FBI, etc, and find out if it was true that a complaint had been filed with FBI, that Urban threatened to "kill" a Federal Judge. The lawyer said it was NOT true. Urban then (got a second opinion) and called the FBI himself – and they confirmed it was Not true.

Hurley later (in 1996) attacked one of Urban's mares in the horse barn with a pipe (to chase Urban's horses from Urban's barn in violation of the Stay) resulting in the horse's death. Hurley then spread malicious rumor that the horse "starved to death," and reported Urban to Humane Society as an "animal abuser."

NOW, Hurley is calling Urban a "Con Man." Well, at least he has brought down the slander a notch, or two.

POINT # 4: HURLEY'S HATEFUL DEMAND URBAN BE CRIMINALLY CHARTED WITH PROCESS ABUSE:

Given Hurley brought up Questions Presented in previous cert petitions number 01-0129, and 04-655 as abusive; and Demanded that Urban be "Charged with Abuse of Process:"

Urban (in his defense) respectfully requests those Questions be looked at – most notably Questions # 5, 7, 16 and 17 of cert petition # 01-0129.

And that also Questions # 1, 2, and 3, of petit # 04-566; be looked at;

And that these Questions be Re-Considered; in as much as Urban seeks a de Novo review of the ENTIRE Controversy of 20+/- Years; which has ONLY received partial reviews, on a piece-mean basis - from time to time - of isolated issues ONLY over the past 20 years.

This controversy has never been reviewed BY ANY COURT, as ONE single headed animal.

CONCLUSION:

An entire de Novo review (by this Court) is Necessary to bring FINALITY and Justice to this controversy; which Urban claims he is Entitled to under the Due Process Clause. Hurley still Claims that Urban still "owes" him \$27,000.00 +/- in cash, on the Linda Haag's (75 acres purchase money Refund) Judgement of \$16,500. Even though the Judgment has been collected MANY TIMES already:

For example: through Usury, charging more money than is due; through Haag keeping the land thus Waiving the right to get paid, in that the Lien *Merged* with Haag's Title (that Judge Ninfo said Haag kept after the Entry of the Judgment lien that ran with the 73 acres BY OPERATION OF LAW;) thus *Extinguishing* the Lien running with the 73 acres Haag bought; Haag "sold" the land to County of Yates by Not paying taxes and "allowing": a tax foreclosure to take the land, which netted Haag \$17,500.00 cash SURPLUS under New York State RPTL Sec 926-4 (refer to Table of Authorities, this petition;) Haag re-sold the "Judgment" to Hurley for valuable consideration, getting paid again; Hurley collected again (by taking Urban's farm Equipment on his then 30 acres;) telling local authorities he was "Entitled" to that Equipment that "went with the land" in the Urban to Hurley land contract – the land the Hurley purchased from the County of Yates – neglecting to tell his friend the Sheriff, that "contract" had been REJECTED under the "Code" sec 345, and also neglecting to tell the Sheriff and State Police the farm Equipment was not on the 75 acres he allegedly "bought" in the tax foreclosure. By Hurley's theft of five (5) Thoroughbred broodmares claiming they were "trespassing" on his 75 acres (in the barn) and then choosing to go to JAIL FOR CONTEMPT, rather than return the horses, or disclose their whereabouts; costing Urban and his friend Patricia some

\$30,000.00 in Attorney's fees, etc., attempting to get the horses back; And last but not least, by arranging a SHERIFF'S SALE of Urban's other 28 acres NOT connected to the 75 acres Haag/Tuttle sale, for \$18,000.00 CASH given to Hurley, to recover Haag's realty refund money Judgment on her aborted purchase of her remaining 73 acres at time of her Judgment; by illegally voiding (through Sheriff Sale) a valid Sale Contract selling those same 28 acres for \$28,000.00 CASH, illegally giving Urban a \$10,000.00 through fraud on Hurley's part, and malfeasance by the Sheriff; Then Hurley giving Urban the finger and laughing that Urban "still owes" Hurley the \$10,000.00 "deficit" that he and the Sheriff created.

Adding insult to injury, the 2nd Circuit REFUSED to Stay the Sheriff Sale, nor give Urban a hearing (pending review in the USCA, or Petition for Certiorari to this Court.) Also, the local Yates County Judge Bender, also REFUSED to either stay the sale and/or give Urban a Hearing to challenge the legality sale and/or accuracy of the numbers – claiming the 2nd Circuit (prior) REFUSAL to do either was Res Judicata.

Respectfully Submitted by,

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P.O. Box 1010
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Dated: February 20, 2005